

Panaji, 6th February, 2003 ( Magha 17, 1924)

SERIES II No. 45

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

##### Department of Law & Judiciary

Legal Affairs Division

#### Notification

No. 10/4/99/LA

The following Orders dated 29-3-2000, 30-3-2000 and 31-3-2000 received from the Government of India, Ministry of Mines and Minerals, Department of Mines, the Controller of Mining Leases for India, Nagpur, under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956 are hereby published for general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 12th May, 2000.

#### GOVERNMENT OF INDIA

Ministry of Mines &amp; Minerals

Department of Mines

The Controller of Mining Leases for India

#### Order

Case No. CML-Z-565/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 3-6-1957 (24/57) for Iron (Ore) held by Shri Ramacanta V. S. Velingkar, Post Mardol, Veling, Goa 403 404 for permanent period, area 59.6500 hectares in Village(s) Darbandora, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of the lease is limited to 59.6500 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-565/2000

Name of the lessee : Shri Ramacanta V. S. Velingkar,  
Post Mardol, Velinga,  
Goa-403 404.

Date of the lease : 3-6-1957 (T. C.  
No. 24/57)

Mineral(s) : Iron ore

Area and Location : 59.6500 hectares  
Darbandora, Sanguem.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Ramacanta V. S. Velingkar, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 3-6-57 held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

- ii) affidavit(s) dated 3-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view

of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

**Order**

Case No. CML-Z-476/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 23-7-1955 (29/55) for Iron/Manganese Ore held by Shri Atchuta V. S. Velingkar, Goa for permanent period, area 52.4870 hectares in Village (s) Aglote, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) Area: The area of the lease is limited to 52.4870 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by the order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-476/2000

Name of the lessee : Shri Atchuta V. S. Velingkar,  
At Velinga  
P. O. Mardol,  
Goa-403 404.

Date of the lease : 23-3-1955 (29/55)

Mineral(s) : Iron & Manganese

Area and Location : 52.4870 hectares.  
Vill: Aglote,  
Taluka: Sanguem, Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee - Shri Atchuta V. S. Velingkar, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 23-07-1955 held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mine and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 2-02-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to

Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 31st March, 2000.

### Order

Case No. CML-Z-52/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 27-2-1950 (13/50) for Iron and Manganese held by Shri Shaikh Kasim, Rahim Manzil, Curchorem, Goa for permanent years, area 69.0000 hectares in Village (s) Tudou, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of the above lease is limited to 69.0000 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by the order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concessions Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 30th March, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. Z-52/2000

Name of the lessee : Shri Shaik Kasim,  
Mine Owner,  
Rahim Manzil,  
Curchorem, Goa.

Date of the lease : 27-2-1950 (13/50)

Mineral(s) : Iron & Manganese

Area and Location : 69.0000 hectares.  
Village: Tudou  
Taluka: Sanguem,  
District: South Goa.

State: : Goa

Period : Unlimited

Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 15-02-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee Shri Shaik Kasim, and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 27-02-1950 held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957,

made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

#### Order

Case No. Z-90/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 12-2-1951 (9/51) for Iron and Manganese held by Shri Bhanudas B. S. Cossembe, P. O. Box No. 297, Opp. Junta Qtrs., Pajifond, Margao, Goa-403 601 for permanent years, area 98.9684 hectares in Village(s) Curpem, Taluka Sanguem, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of the lease is limited to 98.9684 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per the provisions of the Goa, Daman and Diu, Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or

deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

#### NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-90/2000

Name of the lessee	: Shri Bhanudas B. S. Cossembe, P. O. Box No. 297 Opp. Junta Qtrs., Pajifond, Margao, Goa-403 601.
Date of the lease	: 12-2-1951 (9/51)
Mineral(s)	: Iron & Manganese
Area and Location	: 98.9684 hectares. Village: Curpem Taluka: Sanguem District: South Goa
State	: Goa
Period	: Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Shri Bhanudas B. S. Cossembe and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 12-02-1951 held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98:
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 07-02-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP

wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 30th March, 2000.



**Order**

Case No. CML/Z-164/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas three (3) cases were registered for the modification of terms of 3 mining leases dated as per enclosed list for Iron and Manganese held by Shri Badruddin H. Mavani, Kadar Manzil, P. B. No. 34, Margao, Goa-403 601 for permanent period, area 220.0900 hectares in Village(s) as per enclosed list, district Goa (North/South) of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) **Area:** The area of three (3) leases as per list enclosed is limited to 220.0900 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that lessee shall also pay, for the surface area used by him for the purpose of mining operations, surface rent at such rate, as may be specified by the state Government under the Mineral Concession Rules, 1960.

5. This order shall effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

**ANNEXURE**

**Details of Three (3) Mining Leases**

Name of the Lessee & Address:

Shri Badruddin H. Mavani,  
Kadar Manzil, P. B. No 34,  
Margao, Goa-403 601.

S. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area(Hect.)
1	2	3	4	5	6	7
1.	Z-164	Nomoxitembo	Colomba South Goa	Fe/Mn	14/22.2.52	100.0000
2.	Z-497	Coro Pimpla Codil, Borod	Bordem Bicholim North Goa	Fe/Mn	8/28.3.56	29.4000
3.	Z-513	Evalam Dculamol	Costi Sanguem South Goa	Fe/Mn	24/16.5.56	90.6900
Total						220.0900

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-164/2000

Name of the lessee : Shri Badruddin H. Mavani,  
Kadar Manzil,  
Post Box No.34,  
Margao,Goa-403 601.

Date of the lease	}	:	As per enclosed list
Mineral(s)		:	
Area and Location		:	
Period		:	Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show



cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee—Shri Badruddin H. Mavani, Margao, Goa and the lessor—the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 & 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mine and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 14-1-2000 & 19-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my

view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w. e. f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining

Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

### Order

Case No. CML-Z-197/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas four cases were registered for the modification of terms of 4 mining leases dated as per enclosed list for Iron and Manganese held by Dr. Joao Hugo Eduardo Sequeira, Panaji, Goa for permanent period, area 387.2970 hectares in Village(s) as per enclosed list, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows :

- (i) Area: The area of four (4) leases as per list enclosed is limited to 387.2970 hectares only.

- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

### ANEXURE

#### Details of Four (4) Mining Leases

Name of the Lessee & Address: Dr. Joao Hugo Eduardo de Sequeira, Mine owner,  
P. Box. No 21, Campal, Panaji, Goa 403001

S. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number of Date & Title	Area(Hec.)
1	2	3	4	5	6	7
1.	Z-197	Chiudladovana etc.	Darbandora Sanguem	Fe/Mn	47 of 5-5-1952	99.8590
2.	Z-533	Toipavaddo Codil, Borod	Darbandora Sanguem	Fe	43 of 31-10-1956	100.0000
3.	Z-607	Uro Dongor and Jacentes	Sanverdem Satari	Fe	3 of 13-1-1958	97.0000
4.	Z-604	Dangavvaddo Suraguinchi	Devam Satari	Fe	2 of 13-1-1956	90.4380
Total of 4 leases						387.297

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML-Z-197/2000

Name of the lessee : Dr. Joao Hugo  
Eduardo-de-Sequeira,  
Mine owner, Post Box  
No. 21, Campal,  
Panjim,  
Goa-403001.

Date of the lease :

Mineral(s) : As per enclosed list

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposal for modification of the above mentioned mining lease was sent to the lessee—Dr. Joao Hugo Eduardo-de-Sequeira, Panjim, Goa and the lessor—the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e 23-5-87 under Section 5 of

Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 12-03-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder.

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceeding from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Act are consistent & Section 16 of MM(R&D) Act, 1957

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w. e. f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

## Order

Case No. CML/Z.-225, 265/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas two cases were registered for the modification of terms of 2 mining leases dated as per list enclosed for Iron & Manganese held by Shri Ajit V. Kadnekar. (Legal heir of Late Voicunta Kadnekar), C/o Smt. Prabhavati V. Kadnekar & Sons, New Bazar, Margao, Goa-403 601 for permanent period, area 119,3100 hectares in Village(s) as per list enclosed, district South Goa of Goa State.

(i) Area: The area of two (2) leases as per list enclosed is limited to 119.3100 hectares only.

(ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the state Government under the Mineral Concessions Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

## ANNEXURE

### Details of Two (2) Mining Leases

Name of the Lessee &  
Address:

Shri Ajit Voicunta Kadnekar,  
(Legal heir of late Voicunta Kadnekar)  
C/o Smt. Prabhavati V. Kadnekar & Sons, Jewellers, Goa.

[illegible]

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-225, 265/2000

Name of the lessee : Shri Ajit Voicunta Kadnekar,  
(Legal heir of late Voicunta  
Kadnekar)  
C/o Smt. Prabhavati Voicunta  
Kadnekar & Sons,  
Jewellers, New Bazar, Margao,  
Goa-403601.

Date of the lease }  
Mineral(s) } As per list enclosed  
Area and Location }  
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the 'Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Ajit V. Kadnekar, (Legal heir of late Voicunta Kadnekar) and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development)

Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Damán & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 3-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease (s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of

Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 30th March, 2000.

#### Order

Case No. CML/Z-308/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 19-6-1953 (T. No. 55/53) for Iron & Manganese held by M/s Roy Antao & Sane Antao, House No. 282, Betalbatim, Salcete-Goa for permanent period, area 78.6880 hectares in Village(s) Potrem, Taluka Sanguem, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the above lease is limited to 78.6880 hectares only.

- (ii) *Period*: No change is made as the period of the Lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 30th March, 2000.

#### NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-308/2000

Name of the lessee : M/s. Roy Antao & Sane Antao,  
House No. 282,  
Betalbatim,  
Salcete, Goa.

Date of the lease : 19-6-1953

Mineral(s) : Iron & Manganese.

Area and Location : 78.6880 hectares,  
Vill.: Potrem, Taluka: Sanguem  
Dist.: South Goa, State: Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Roy Antao & Sane Antao, and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 19-6-1953 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 10-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease (s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP

wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.



## Order

Case No. CML/Z-377/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 8 cases were registered for the modification of terms of 8 (eight) mining leases dated as per list enclosed for Iron & Manganese held by Miss Georgina F. De Figueriedo, H. No. 377, Loutulim, Salcete, Goa for permanent period, area 640.2460 hectares in Village(s) as per list enclosed district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) **Area:** The area of 8 (eight) leases as per list enclosed, is limited to 640.2460 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

“Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)”.

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2001.

## ANNEXURE

### Details of Eight (8) Mining Leases

Name of the Lessee &  
Address:

Miss Georgina F. De Figueriedo,  
House No. 377, Loutulim, Salcete, Goa.

[illegible]

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-377/2000

Name of the lessee : Miss Georgina F. De  
Figueriedo,  
House No. 377,  
Loutulim,  
Salcete, Goa

Date of the lease :  
Mineral(s) : } As per list enclosed  
Area and Location : }  
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Miss Georgina F. De Figueriedo and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 19-6-1953 held by the lessee.

3. The case was also taken up for hearing on 28-9-1999 and 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-1999 and 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6 (i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of

Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 17th February, 2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of

Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

#### Order

Case No. CML/Z-457/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of 2 mining leases dated 16-4-1955 (10/55) for Iron & Manganese held by M/s. Diogo J. Sequeira, c/o Cape Xavier, Mapusa, Goa for permanent period, area 97.8000 hectares, in Village(s) Malpona, Taluka Satari, District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the leases is limited to 97.8000 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

#### NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-457/2000

Name of the lessee : M/s. Diogo J. Sequeira,  
C/o. Cape Xavier, Mapusa, Goa.

Date of the lease : 14-4-1955 (10/55)

Mineral(s) : Iron & Manganese.

Area and Location : 97.8000 hectares.  
Village: Malpona,  
Taluka: Satari,  
of North Goa, Goa State.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause

notice (s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — M/s. Diogo J. Sequeira, Mapusa, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 16-4-1955 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 16-02-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely

to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th March, 2000.

**Order**

Case No. CML/Z-85/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 8 cases were registered for the modification of terms of 8 (eight) mining leases dated as per enclosed list for Iron & Manganese ore held by Shri Dayanand Z. Neogi, Margao, Goa for permanent period, area 623.2553 hectares in Village(s) as per list enclosed District N/S Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) **Area:** The area of 8 (eight) leases as per list enclosed is limited to 623.2553 hectares only.
- (ii) **Period:** No change is made as the period for the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

**ANNEXURE****Details of 8 (Eight) Mining Leases**

Name of the Lessee &  
Address:

Shri Dayanand Z Neogi,  
Legal heir & Attorney for all other legal heirs  
of late Z. B. Neogi, P. B. No. 156, Station Road, Margao, Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District.	Minerals	Number, date & title	Area
1	2	3	4	5	6	7
1.	CML-Z-85	Vagaholi	Malcornem T. Quepem S. Goa	Fe/Mn	4 of 2-2-1951	25.9600
2.	CML-Z-153	Cormol-dad dongor	Rivona (Colomba) T. Sanguem S. Goa.	Fe/Mn	3 of 11-1-1952	89.7400
3.	CML-Z-101	Madachem tembo Candanchche mol-or Gormodi	Cavrem T. Quepem South Goa	Fe/Mn	21 of 19-3-1951	86.3600
4.	Z-139	Icmbecho dongor	Cavrem T. Quepem S. Goa	Fe/Mn	59 of 3-9-1951	99.3700
5.	CML-Z-92	Avaliadongor	Molcornem T. Quepem S. Goa	Fe/Mn	11 of 23-2-1951	79.3180
6.	CML-Z-558	Moticho Dongor	Usgao T. Bicholim N. Goa	Fe/Mn	18 of 13-5-1957	103.6900
7.	CML-Z-59	Udo Donger	Colomba T. Sanguem S. Goa	Fe/Mn	20 of 21-4-1950	100.00
8.	CML-Z-45	Godhodo	Colomba T. Sanguem S. Goa	Fe/Mn	6 of 21-1-1950	38.8173
Total of 8 leases:						623.2553

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-85/2000

Name of the lessee : Shri Dayanand Z. Neogi,  
Legal heir & Attorney for all  
others heir of late Shri. Z. B.  
Neogi, P. Box No. 156,  
Station Road,  
Margao, Goa.

Date of the lease :  
Mineral(s) : } As per enclosed list  
Area and Location : }

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Shri Dayanand Z. Neogi, Margao, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 & 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 12th February, 2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

### Order

Case No. CML/Z-102/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

\*Whereas 8 cases were registered for the modification of terms of 8 (eight) mining leases dated as per list enclosed for Iron & Manganese held by Smt. Kunda Raghuvir Gharse, wife of late Shri Raghuvir Sinai Gharse, P. B. No. 204, Margao, Goa for permanent period area 593.9375 hectares in Village(s) as per enclosed list District North Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) **Area:** The area of 8 (eight) leases as per list enclosed is limited to 593.9375 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 31st March, 2000.

### ANNEXURE

#### Details of 8 (Eight) Mining Leases

Name of the Lessee &  
Address:

Smt. Kunda R. Gharse,  
w/o Late Shri Raghuvir Sinai Gharse,  
Near Municipality Office, P. O. Box No. 204, Margao Goa.

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District.	Minerals	Number, date & title	Area (Hect.)
1	2	3	4	5	6	7
1.	Z-201	Cazreanchem Culnae Adj.	Cudem Bicholim Goa	Iron	51 of 6-6-1952	79.5300
2.	Z-417	Culnamol or Culna	Tudou Sanguem Goa	Fe	19 of 1-3-1954	83.8425
3.	Z-102	Casarman	Salguinim Verlem Sanguem, Goa	Fe/Mn	22 of 30-3-1951	32.2450
4.	Z-232	Pedamolla	Colomba Sanguem Goa	Fe/Mn	82 of 26-9-1952	100.0000
5.	Z-190	Margamodil Dongor	Salginem Sanguem Goa	Fe/Mn	40 of 18-4-1952	43.5000



1	2	3	4	5	6	7
6.	Z-574	Tolem, Bibla etc.	Tudou Sanguem Goa	Fe	33 of 12-8-1957	77.9500
7.	Z-532	Carcarcatomba	Tudou Sanguem Goa	Fe	42 of 24-10-1956	76.8700
8.	Z-54	Anvaliamola etc.	Patieme Tudou Sanguem Goa	Fe	3 of 28-1-1957	100.0000
Total of 8 leases:						593.9375

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE  
PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-102/2000

Name of the lessee : Smt. Kunda Raghuvir Gharse,  
wife of late Shri Raghuvir  
Gharse,  
Near Municipality Office,  
P. O. Box No. 204,  
Margao, Goa

Date of the lease :  
Mineral(s) :  
Area and Location : } As per enclosed list.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Smt. Kunda Raghuvir Gharse, Margao, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has submitted objections letter stating:

- that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein ad interim order, passed on 2-3-98.
- that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- affidavit(s) dated 9-2-2000 & 11-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98.

The Hon'ble Supreme Court of India in ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th

January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 31st March, 2000.

#### Corrigenda

In the Supplement to Official Gazette, Series II, No. 25 dated 25th September, 2002 the "Notification No. 10/4/2002-LA" may be corrected to read as "Notification No. 10/4/2000-LA" and on pages 585, 586, 587 the dates of Order No. CML/Z-751/2000, CML/Z-535/2000, CML/Z-328/2000, CML/Z-715/2000, CML/Z-588/2000 may be corrected to read as "Nagpur, 30th June, 2000" instead of "Nagpur, 30th June, 2002", the date of order No. CML/Z-737/2000 on page 587 may be corrected to read as "Nagpur, 31st July, 2000", instead of "Nagpur, 30th June, 2002", the date of Case No. CML/Z-654/2000 on pages 588 may be corrected to read as "Nagpur, 27th July, 2000" instead of "Nagpur, 27th July, 2002", the date of Order No. CML/Z-733/2000 on page 590 may be corrected to read as "Nagpur, 30th August, 2000" instead of "Nagpur, 30th June, 2000" and the date of Case No. CML/Z-685/2000 on page 608 may be corrected to read as "Nagpur, 13th October, 2000" instead of "Nagpur, 10th October, 2000".

In the Supplement to Official Gazette, Series II, No. 27 dated 3rd October, 2002 on 1st page "the Notification No. 10/4/2002-LA" may be corrected to read as "Notification No. 10/4/2000-LA" and on pages 646 and 648 the dates of Order Nos. CML/Z-330/2000 and CML/Z-775/2000 may be corrected to read as "Nagpur, 30th November, 2000" instead of "Nagpur, 9th November, 2000".